

REMARKS

In response to the Restriction Requirement included in the Office Action mailed July 29, 2009, (*see* pp. 2-4), Applicant elects Invention I, claims 25-42, drawn to a product, without traverse.

In response to the Election of Species Requirement included in that same paper (*see* the July 29, 2009, Office Action at pp. 4-5), Applicant elects Species (A), the article of footwear illustrated in Figs. 1-3. This election also is made without traverse. Applicant respectfully asserts that elected claims 25-29 and 34-42 read on this elected species.

Upon entry of this paper, claims 25-29 and 34-42 will remain pending in this application. Claims 30-33 and 43-47 have been canceled.

Applicant believes that these elections are fully responsive to the July 29, 2009, Office Action. If, however, further information is needed, the Examiner is invited to contact the undersigned attorney by telephone.

Applicant believes that no fees are due to permit entry of this paper. However, if any fees are required that are not accounted for in the documents submitted with this Response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, or if an extension of time is necessary that is not accounted for in the papers filed with this Response, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees or claim fees.

Applicant respectfully requests an action on the merits of this application.

Respectfully submitted,

By: /Holly L. Johnston/
Holly L. Johnston
Registration No. 59,496

Dated: August 25, 2009

Banner & Witcoff, Ltd.
1100 13th Street, N.W., Suite 1200

Washington, D.C. 20005-4051
Telephone: (503) 425-6800
Facsimile: (503) 425-6801